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Attorneys for Plaintiff/Debtor  
JAMES L. MACKLIN

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

In re ) **CASE NO. 2010-44610**  
JAMES L. MACKLIN, )  
Debtor, )

JAMES L. MACKLIN, ) **ADV. NO. 11-02024-E**  
Plaintiff, ) **DCN: HSB-02**

-vs.- )

DEUTSCHE BANK NATIONAL TRUST ) **DECLARATION OF HOLLY S.**  
CO., AS INDENTURE TRUSTEE FOR ) **BURGESS IN SUPPORT OF EX**  
THE ACCREDITED MORTGAGE LOAN ) **PARTE APPLICATION FOR**  
TRUST 2006-2 ASSET-BACKED NOTES; ) **TEMPORARY RESTRAINING ORDER**  
AND ORDER TO SHOW CAUSE RE: ) **PRELIMINARY INJUNCTION**

and all persons claiming by, through, or ) **Re: NOTICE TO DEFENDANT OF**  
under such person, all persons unknown, ) **TRO**  
claiming any legal or equitable right, title, )  
estate, lien, or interest in the property )  
described in the complaint adverse to )  
Debtor's title thereto; and )  
CORRESPONDENT DOES 1-10, Inclusive, )

Defendant. )

I, Holly S. Burgess, declare:

1. I am the attorney of record for James Macklin in both his Chapter 7  
bankruptcy, Case No. 10-44610 and his adversary proceeding, Case No. 11-02024.

2. The facts set forth herein are known to me personally, and if called upon to testify, I could and would competently testify thereto.

3. On January 13, 2011, I caused to be served, the Macklin adversary complaint proceeding, Case No. 11-02024, on Deutsche's counsel, Robert J. Jackson and Associates, the attorneys hired by Deutsche in its unlawful detainer proceeding filed against Mr. Macklin in the Placer County superior court and who also filed the motion to lift the bankruptcy stay for purposes of pursuing the unlawful detainer action. I thereafter received a phone call from a secretary for Robert Jackson, stating they were not authorized to accept service the Mr. Macklin's adversary complaint on behalf of Deutsche.

4. On February 3, 2011, this court granted Deutsche's motion to lift the stay for purposes of pursuing possession of Mr. Macklin's property.

5. On February 3, 2011, at approximately 4:30 p.m., I spoke with Robert Bleicher, known counsel for Deutsche Bank National Trust in Mr. Macklin's civil action filed in the Eastern District of California, Case No. 10-01097, which is currently stayed due to the Chapter 7 bankruptcy filing. Before the stay of that case, Mr. Bleicher's office filed a motion for summary judgment on behalf of Deutsche in that case.

6. I contacted Mr. Bleicher with the purpose of inquiring whether or not he was authorized to accept service on behalf of Deutsche Bank National Trust Company, as Indentured Trustee for the Accredited Mortgage Loan Trust 2006-2 Asset-Backed Notes; Select Portfolio Servicing, Inc., and/or Mortgage Electronic Registration Systems, Inc. of both the adversary complaint **and** the ex parte application for temporary restraining order.

7. Mr. Bleicher informed me that he had already seen the adversary complaint, but that he did not at that time have authorization to accept service. He promised to check with his client and get back to me on February 7, 2011.

8. On February 7, 2011, Mr. Bleicher informed me he was authorized to accept service of the adversary complaint and the TRO on behalf of Deutsche.

9. On February 3, 2011, the bankruptcy court granted Deutsche Bank's motion to lift the stay of the state court unlawful detainer action in which Deutsche Bank is trying

1 to gain possession of Mr. Macklin's property. The automatic stay with respect to that  
2 proceeding expires February 16, 2011.

3 10. On February 7, 2011, my office served the adversary complaint and the  
4 exparte application for TRO on Mr. Bleicher by email delivery under FRCP 5.

5 I declare under penalty of perjury of the laws of the United States that the foregoing  
6 is true and correct and that this declaration was executed on February 7, 2011, at Placer  
7 County, Auburn, California.

8  
9 /s/ Holly S. Burgess.

10 HOLLY S. BURGESS  
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